

Message Text

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FM USDEL MTN GENEVA

TO SECSTATE WASHDC 749

LIMITED OFFICIAL USE SECTION 1 OF 2 MTN GENEVA 8440

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TAGS: MTN ETRD

SUBJECT: COMMENTS ON REVISED LDC STRATEGY PAPER

SUMMARY: MTN DEL FINDS REVISED LDC STRATEGY PAPER CONCERNING SPECIAL AND DIFFERENTIATED TREATMENT AND SPECIAL PROCEDURES IN FAVOR OF LDC'S TO BE ALL-INCLUSIVE INVENTORY WHICH IS VERY WELL DONE AND SUBSTANTIAL IMPROVEMENT OVER EARLIER VERSIONS. FOLLOWING COMMENTS, RECOMMENDATIONS, AND POSSIBLE NEW APPROACHES ARE SUBMITTED FROM GENEVA VIEWPOINT. WE WELCOME YOUR REACTIONS TO THESE SUGGESTIONS. END SUMMARY

1. MTN DEL RECOMMENDS A SOMEWHAT MORE REALISTIC APPROACH IN INTRODUCTORY GENERAL CONCEPTS SECTION OF PAPER. STARTING POINT TAKEN IS THAT WE SHOULD BE UNDER NO ILLUSION THAT LDC'S, WHATEVER THE RESULTS OF THE MTN, WILL BE SATISFIED, IN PART BECAUSE THE US AND OTHER DC'S CANNOT RESPOND POSITIVELY TO THEIR MAJOR DEMANDS SUCH AS BINDING GSP, EXEMPTION FROM SAFEGUARDS, COUNTERVAILING DUTY AND ANTI-DUMPING ACTIONS.

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MTN DEL THUS VIEWS BASIC QUESTION AS WHAT WE CAN DO

WITHIN OUR LEGISLATIVE MANDATE TO FURTHER IMPROVE THE OUTCOME FOR LDC'S BY RESPONDING WITHIN OUR POLITICAL COMMITMENT TO SPECIAL AND DIFFERENTIATED TREATMENT WHEN FEASIBLE AND APPROPRIATE. LDC'S IN ANY EVENT WILL OBTAIN US GSP (BY A COINCIDENCE IN TIMING) AND SOME REDUCTIONS IN TARIFF ESCALATION. OUR OBJECTIVE SHOULD BE TO ENCOURAGE LDC'S TO STAY WITHIN THE TRADING SYSTEM THROUGH SUCH METHODS AS ALLOWING THEIR MEANINGFUL PARTICIPATION IN DEVELOPING NEW TRADING RULES AND BY ENCOURAGING RECIPROCAL CONCESSIONS (IN MANY CASES CONCESSIONS IN THEIR LONG-RUN ECONOMIC INTERESTS) ON THEIR PART TO ALLOW MORE MEANINGFUL US CONCESSIONS. BASIC GOALS TO DRAW LDC SUPPORT TO GATT-TYPE FORUM IN WHICH DECISIONS ARE MADE BY CONSENSUS RATHER THAN FORA IN WHICH POLITICAL BARGAINING PREDOMINATES AND STEAMROLLER TACTICS ARE THE MODALITIES. WITH RESPECT TO TOKYO COMMITMENTS, MTN DEL NOTES A GROWING PROPENSITY ON PART OF MAJOR LDC'S (BRAZIL, INDIA, MEXICO) TO SPEAK OF SPECIAL PROCEDURES WHEN THEY MEAN SPECIAL RESULTS BEFORE NEGOTIATIONS ARE JOINED. PAPER SHOULD CLEARLY DRAW DISTINCTION BETWEEN SPECIAL PROCEDURES (WITHIN MEANING OF PARA 10 OF TOKYO DECLARATION) AND SPECIAL TREATMENT (PARA 5).

2. TARIFFS

A. TWO SEPARATE PROPOSALS ARE CONTAINED IN PROPOSAL IIA(1) RECOMMEND THAT CONCEPT OF DELAYING EROSION OF GSP MARGINS BY SLOWER STAGING OF MFN REDUCTIONS BE SET OUT AS A SEPARATE LAST PROPOSAL OF VERY LIMITED APPLICATION AS EXPLAINED IN PARA 1 OF "HOW SECTION".

B. PROPOSAL IIA(4) IS LIKELY TO BE UNREALISTIC.

SEVERAL LDC'S HAVE INDICATED THAT THEY DO NOT EXPECT LDCS'S TO APPLY THE TARIFF FORMULA AND ATTEMPTS TO APPLY A GENERAL FORMULA, SUCH AS SPECIFIC LDC'S WILL APPLY THE NEGOTIATING RULE TO SPECIFIED PERCENTAGE OF LINE ITEMS, WILL BE RESISTED. A MORE LIKELY ACCEPTABLE APPROACH FOR LIMITED LDC PARTICIPATION IN TARIFF CUTTING MIGHT BE THAT CONCESSIONS AFFECTING PRODUCTS FOR WHICH CERTAIN LDC'S ARE THE LEADING OR SUBSTANTIAL SUPPLIER BE RECIPROCATED. ALTERNATEVLY, LDC RECIPROCITY COULD EVOLVE THROUGH CROSS-NOTIFICATION PROCEDURE BY US LIMITED OFFICIAL USE

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IN AG AND TARIFFS GROUPS.

C. RECOMMEND CHANGE TO LAST INCOMPLETE SENTENCE ON PAGE 7 TO READ "OUR CONSLUSION IS THAT A PERMANENT SYSTEM OF TARIFF PREFERENCES FOR LDC'S IN NOT DESIRABLE."

D. VIEWS ON SPECIAL INR B(3) NEED TO BE ELABORATED UPON. THIS CONCEPT INTIMATELY RELATED, FOR EXAMPLE, TO PROCEDURAL DISCUSSIONS IN TP GROUP ON PLURILATERAL CONSULTATIONS AND CIRCULATION OF OFFERS. WASHINGTON THINK-

ING ON ISSUES SUCH AS PRINCIPAL AND SUBSTANTIAL SUPPLIERS AND WHETHER THERE WILL BE INR'S NEEDS TO BE COMMUNICATED. E. ELABORATION OF PARA B(2) CONFLICTS WITH PROPOSED SYMPATHY. ACCEPTING THE FACT US IN ISOLATION ON PROTOCOL OF THE 16, HOW WE PRESENT OR ARE COMPENSATED FOR TRADE DIVERSION NEEDS TO BE DEVELOPED. THERE IS INCREASING CURRENCY AMONG LDC'S THAT INTRO LDC NEGOTIATIONS UNDER THE PROTOCOL ARE AN APPROPRIATE CONTRIBUTION TO THE MTN, A VIEW THAT IS DIFFICULT FOR US TO ACCEPT.

3. SAFEGUARDS:

A. LDC'S RECOGNIZE THAT COMPLETE EXEMPTION FROM ESCAPE CLAUSE ACTIONS NOT LIKELY. SHORT OF THIS, THEY WANT SELECTIVE APPLICATION OF SAFEGUARDS THAT EXEMPTS DEVELOPING COUNTRY TRADE WHEN NOT THE CAUSE OF INJURY. THEY ALSO WANT DIFFERENTIAL TREATMENT COMPARED TO ACTIONS AGAINST DC'S OS THAT IF SAFEGUARDS IMPOSED THEY WILL BE, FOR SHORTER PERIODS WITH MANDATORY ADJUSTMENT ASSISTANCE, WITH NO ACTION UNLESS INJURY PROVEN AND ALL OF THESE UNDER A VERY STRICT SURVEILLANCE BODY THAT ENFORCES THEM. SUGGESTED POSITION ON WHAT WE MIGHT DO FOR THE LDC'S IS THAT THE US SHOULD SEEK A SAFEGUARD SYSTEM THAT HAS MORE MULTILATERAL SCRUTINY, THAT REQUIRES SLIGHTLY MORE STRINGENT REQUIREMENTS BEFORE TAKING SAFEGUARD ACTION, AND THAT RECOGNIZES THAT DC EXPORTERS HAVE GREATER POTENTIAL TO DISRUPT MARKETS AND CAUSE INJURY. WITH RESPECT TO STRATEGY, US SHOULD POINT OUT TO LDC'S THAT US POSITION FOR NEW SYSTEM CONTAINS MANY POINTS COMMON TO LDC PROPOSALS, THAT US IS ONLY COUNTRY THAT NOW REGULARLY GIVES COMPENSATION, NOTIFIES AND CONSULTS BEFORE ITS ACTIONS, AND HAS OPERATING ADJUSTMENT ASSISTANCE PROGRAM. SYSTEMATIC APPROACH TO HOW WE MIGHT DO THIS INCLUDE FOLLOWING:

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PROCEDURES: SPECIAL PRE-NOTIFICATION AND CONSULTATION REQUIREMENTS; SEPARATE SURVEILLANCE BODY; TIMELY REVIEW BY SURVEILLANCE BODY. CRITERIA FOR INJURY: ESTABLISHING OF ACTUAL RATHER THAN THREAT OF INJURY; MINIMUM IMPORT PENETRATION LEVELS; MINIMUM PERCENTAGES OF TOTAL IMPORT LEVEQS. STANDARD FOR RELIEF: MORE RECENT PREVIOUS REPRESENTATIVE PERIOD, HIGHER GROWTH RATES, SHORTER PERIOD OF IMPOSITION, LINKED TO ADJUSTMENT. SURVEILLANCE: FREQUENT REVIEW OF ACTIONS AND A MORE DETAILED REPORTING REQUIREMENTS. B. ADDITIONAL REFINEMENTS TO LDC POSITIONS INCLUDE THE FOLLOWING: SAFEGUARD ACTIONS SHOULD NOT THEMSELVES CAUSE SERIOUS INJURY TO EXPORTING LDC ECONOMY; SELECTIVE APPLICATION WOULD APPLY ONLY TO IMPORTS OF DC'S;

PROVISION SHOULD BE MADE FOR NEW ENTRANTS TO THE IMPORT-
ING MARKET.

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4. NON-TARIFF MEASURES:

A. SUBSIDIES/COUNTERVAILING: US STRATEGY AT THIS
STAGE SHOULD BE CONSISTENT WITH POSITION PAPER FOR NOV
MEETING: NAMELY THAT WE BELIEVE S&D WILL PROVE FEASIBLE
WITHIN PRESCRIBED CONDITIONS AND TO INVITE LDC PROPOSALS.
VIEWED REALISTICALLY, MOST FEASIBLE ALTERNATIVE FOR
SPECIAL AND DIFFERENTIAL TREATMENT FOR LDC'S IN THIS
AREAS WOULD APPEAR TO BE APPLICATION OF AN INJURY PRO-
VISION TO ALL LDC'S SUBSIDY PRACTICES, WHETHER CHARAC-
TERIZED AS RED OR AMBER. ADOPTION OF INJURY CRITERIA
WOULD REPLACE PROPOSALS IV(A) 1 AND 2. WE ARE INTRIGUED
BY POSSIBILITY OF A "WAIVER" CONCEPT. HOWEVER, WE FEEL
THIS OBJECTIVE COULD BE ACHIEVED IN PRACTICE BY REQUIRING
INJURY FUNDING. WITH RESPECT TO INJURY CRITERIA, WE BELIEVE IT
WOULD BE VERY DIFFICULT TO GAIN ACCEPTANCE OF DIFFERENT
INJURY TESTS FOR LDC'S, PARTICULARLY PARA IV(A)4 WHEN
LDC'S ALREADY ENJOY DIFFERENT INJURY TEST FOR A WIDE
VARIETY OF ITEMS COVERED UNDER GSP. APPLICATION OF
SAFEGUARD INJURY TEST TO LDC'S FURTHER COMPLICATED BY

SIGNIFICANT POSSIBILITY OF S&D TREATMENT IN SAFEGUARDS,
RESULTING IN SPIRALING S&D TREATMENT FOR LDC'S. PROBLEM
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IS STATE OS SPECIFIC US INDUSTRY, NOT THE CONDITION IN
FOREIGN SUPPLIERS' ECONOMY. WITH RESPECT TO GRADUATION,
WHETHER FOR LDC COUNTRY OR SPECIFIC LDC INDUSTRY, THIS
IS AN EXTREMELY COMPLEX TOPIC WHICH MAY MERIT A
SEPARATE NEGOTIATION IN ITSELF.

B. STANDARDS: PROPOSALS 1 AND 2 ALREADY IN DRAFT
STANDARDS CODE (ARTICLE 17). WE SHOULD START GIVING
SOME THOUGHT TO SPECIFICS OF TECHNICAL ASSISTANCE AND
TECHNICAL TRAINING WE ARE PREPARED TO MAKE AVAILABLE,
OR TO SUPPORT THROUGH OTHER INSTITUTIONS. THIS IS
QUESTION LDC'S WILL ASK, AND OUR ANSWER WILL BE FACTOR
IN EVENTUAL LDC DECISION WHETHER TO ADHERE TO THE CODE.
ADDITIONAL POSSIBILITIES FOR CONSIDERATION:

(1) INCLUSION IN CODE OF PROPOSAL (UNDER DISCUSSION)
THAT REASONABLE ADVANCE NOTICE BE GIVEN PRIOR TO THE
IMPLEMENTATION OF A STANDARD, PARTICULARLY GIVEN LDC
NEED FOR MORE TIME TO ADJUST.

(2) EXPLORE POSSIBILITY OF SOME TYPE OF LDC
DIFFERENTIAL TREATMENT VIA THE DISPUTE SETTLEMENT COMMITTEE.

C. LICENSING: THIS IS AN AREA IN WHICH LDC PARTICI-
PATION COULD BE CONSIDERED AS A "CREDIT" IN RECIPROCITY
SENSE.

5. AGRICULTURE: PARA V(1) AND (3) ARE TOO GENERAL IN
APPLICATION. MTN DEL BELIEVES THAT WORK ON SPECIFIC
COMMODITIES BOTH AGRICULTURAL AND INDUSTRIAL SHOULD BE
INITIATED TO DETERMINE FEASIBILITY OF THESE PROPOSALS.
RECOMMEND THAT PARA V(4) OVERTAKEN BY US PROPOSAL IN
SEPT AG MEETING.

6. SUPPLY ACCESS: SECTION MIGHT NOTE THAT LDC'S HAVE
SCRCELY BEEN WILLING TO DISCUSS THIS SUBJECT, MUCH
LESS TO MAKE DEMANDS. AT SAME TIME THE US AND OTHER
MAJOR DEVELOPED COUNTRIES HAVE BEEN SLOW TO SPECIFY WHAT
THEY WANT UNDER HEADING OF SUPPLY ACCESS, ALTHOUGH
DISCUSSION COMMONLY CENTERS ON (1) A SET OF GUIDELINES
ON EXPORT RESTRICTIONS AND (2) POSSIBILITY OF EXCHANGING
SPECIFIC COMMITMENTS TO IMPROVE THE CONDITIONS OF
AVAILABILITY (I.E., ACCESS) OF PARTICULAR COMMODITIES AND
PRODUCTS. IT IS PARADOXICALLY ONE AREA WHICH LDC'S
REFUSE TO DISCUSS BUT IN WHICH THEY MAY HAVE CONSIDERABLE
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BARGAINING LEVERAGE. THUS ITEMS CONSIDERED UNDER "WHAT WE MIGHT DO" ALMOST INVARIABLY REPRESENT, MORE THAN MOST OTHER ITEMS IN THIS PAPER, ONLY ONE SIDE OF WHAT COULD BE A RECIPROCAL ARRANGEMENT. THE LIST OF POSSIBLE ACTIONS NEED TO BE CLARIFIED AND EXPANDED AS FOLLOWS:

A. (APRA (VI)1): WE DOUBT WHETHER THE PAPER SHOULD, AS IT SEEMS TO, ENDORSE THE IMPORTANCE OF LIMITING EXPORTS OF RAW MATERIALS IN ORDER TO INCREASE PROCESSING. THE OPERATIONAL MEANING OF THIS CONCEPT IS NOT CLEAR UNLESS IT IMPLIES GIVING SOME SORT OF A PRIOR BLESSING TO SOME KINDS OF EXPORT RESTRICTIONS--AND IT IS BY NO MEANS CLEAR THAT RESTRICTIONS ARE IN FACT EFFECTIVE MEANS OF ENCOURAGING PROCESSING. TO THE CONTRARY THEY MAY HAVE A DAMENING EFFECT. IF THE OBSERVATION THAT "REDUCED TARIFFS MAY NOT BE SUFFICIENT" IS INTENDED TO SUGGEST THE NEED FOR POSITIVE MEASURES, BEYOND TARIFF DE-ESCALATION, TO ENCOURAGE PROCESSING, THEN THIS SHOULD BE STATED EXPLICITLY AND, IDEALLY, SOME ILLUSTRATIVE LIST OF SUCH ADDITIONAL MEASURES SHOULD BE GIVEN. THE STATEMENT THAT "SOMETIMES MARKET ACCESS COMMITMENTS MIGHT BE GIVEN FOR FUTURE SUPPLY ACCESS COMMITMENTS" IS AMBIGUOUS. DOES IT MEAN MARKET ACCESS FOR CONTINGENCY COMMITMENTS ON SUPPLY AVAILABILITY? AN EXAMPLE OR TWO WOULD HELP.

B. (PARA (VI)2): IT SHOULD BE RECOGNIZED, HOWEVER, THAT AT LEAST FOR THE US THESE ARE LIKELY TO BE EXTRAORDINARY SITUATIONS, FEW AND FAR BETWEEN, AND THE WORTH OF A CONCESSION OF THIS SORT MUST BE JUDGED ACCORDINGLY. ON A DIFFERENT POINT, IT IS UNCLEAR FROM THE DISCUSSION IN "HOW" (2) WHETHER THE IDEA OF QUANTITY GUARANTEES AND CONCESSIONAL AND AID SALES APPLIES STRICTLY TO US AGRICULTURAL PRODUCTS, OR WHETHER OTHERS ON WHICH WE HAVE HAD EXPORT CONTROLS (E.G., FERROUS SCRAP, FERTILIZER, HIDES) WOULD ALSO BE COVERED (THIS WOULD BE A MUCH GREATER DEPARTURE FROM THE STATUS QUO).

C. (NEW PARA VI)3): TAKE A FAIRLY GENEROUS ATTITUDE IN GIVING LDC RECIPROCITY CREDIT FOR SUPPLY-RELATED CONCESSIONS, EVEN IF THESE ARE MORE OF THE TOKEN VARIETY. WE CAN PERHAPS EASE THE BURDEN ON LDC'S OF GIVING RECIPROCITY, WITHOUT SACRIFICING THE PRINCIPLE, BY GIVING CREDIT FOR SUPPLY-RELATED CONCESSIONS WHICH WE MIGHT LIMITED OFFICIAL USE

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NOT HAVE IN GREAT INTEREST IN BUT WHICH AN LDC IS WILLING TO ABIDE BY. IN SOME CASES THIS WOULD BE LARGELY OPTICAL, BUT COULD BE A CONSTRUCTIVE STEP IN A POLITICAL SENSE. WE WOULD SUPPOSE THAT LDC RECIPROCITY UNDER THE HEADING OF SUPPLY ACCESS MIGHT INCLUDE SUCH ITEMS AS: GUARANTEED AVAILABILITY OF SPECIFIC AMOUNTS OF

IMPORTANT COMMODITIES;

AN ASSURANCE THAT EXPORT TAXES WILL NOT BE LEVIED ON PARTICULAR PRODUCTS; AN ASSURANCE THAT PRODUCTION CUTBACKS AND EXPORT RESTRICTIONS WILL NOT BE IMPOSED IN ORDER TO DRIVE PRICES UP; CONSULTATION COMMITMENTS; ETC. THESE ARE NOT LISTED IN PART X.

7. TRADE REFORM: AS WE HAD COMMENTED ON EARLIER DRAFT OF THIS PAPER, THERE IS NOT PARTICULAR DIFFICULTY IN DELAYING A CONSIDERATION WHICH IS NOT LIKELY TO BEGIN IN ANY FORESEEABLE TIME IN THE FUTURE. IT IS CERTAINLY NOT THE US INTENTION TO PROPOSE SUCH A GENERAL OVERHAUL, AND IN FACT WE ARE AT PRESENT HOPING TO AVOID CREATION OF A SEPARATE GROUP ON THE SUBJECT. AT THE SAME TIME, AS WE HAVE SUGGESTED BEFORE, WASHINGTON MAY WISH TO PREPARE A SPECIFIC EXPLANATION OF WHY WE DO NOT WANT TO SEE PART IV CHANGED, OR IF WE CAN SEE PARTS OF IT CHANGED, WHICH THESE ARE AND IN WHICH DIRECTION. ARTICLE XVIII SHOULD BE GIVEN THE SAME SCRUTINY. WALKER

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